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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,970	07/17/2003	Patrick Pignot	229.021	4015
23598	7590	03/09/2005	EXAMINER	
BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ, S.C. 250 E. WISCONSIN AVENUE SUITE 1030 MILWAUKEE, WI 53202			ROJAS, OMAR R	
		ART UNIT	PAPER NUMBER	
			2874	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/622,970	PIGNOT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Omar Rojas	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 March 2004.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 10-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 10-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 23 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0104.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: Detailed Action.

## **DETAILED ACTION**

### ***Response to Amendment***

With regards to the preliminary amendment filed on January 23, 2004, claims 1-9 have been cancelled. Claims 10-22 are now pending.

### ***Information Disclosure Statement***

The prior art documents submitted by applicant in the Information Disclosure Statement(s) filed on January 23, 2004 have all been considered and made of record (note the attached copy of form(s) PTO-1449).

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “*sensitive outer surface covering the cumulative surfaces of two side ends of the first device*” must be shown or the feature(s) canceled from the claim(s). Also, the “*shaft*”, “*first protective shaft*”, “*second protective shaft*”, “*first shaft*”, and “*second shaft*” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “*amended*.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: *Optical Coupler Having Protective Sheath*.

The abstract of the disclosure is objected to because it appears to contain extraneous text (“Figure 2c”). Correction is required. See MPEP § 608.01(b).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not clearly describe “*a shaft*”, “*a first protective shaft*”, “*a second protective shaft*”, “*a first shaft*”, and “*a second shaft*” as recited by the claims.

***Claim Objections***

Claim 13 is objected to because of the following informalities: In claim 13, the word “ferrule” is misspelled. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 13-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 13-22 are generally vague and indefinite because each of claims 13-22 recite or incorporate by dependency one or more of the following limitations: “*a shaft*”, “*a first protective shaft*”, “*a second protective shaft*”, “*a first shaft*”, and “*a second shaft*”. This language is considered vague and indefinite because it is unclear what the word “*shaft*” refers to in light of the drawings and specification. As an initial matter, the word “*shaft*” does not appear in the detailed description of the invention or in drawings. The use of the word “*shaft*” in the claims could possibly refer to either: the first sheath (21), the second sheath (23), or one of the wicks (13, 14, 16), as mentioned in the specification. However, it is ambiguous as to which of these features are incorporated by the use of the word “*shaft*” in the claims.

For example, claim 13 recites:

“... *a first shaft that surrounds that portion of each optical fiber which is not stripped* (emphasis added).”

If the “*first shaft*” here is meant to refer to the first sheath (21), then claim 13 is vague and indefinite because the portions (17 and 18) of the optical fibers surrounded by the first sheath (21) are described as being stripped or bared (e.g., see the specification at page 5, lines 17-18). This is contrary to the language of claim 13. If the “*first shaft*” limitation is meant to refer to one of the wicks (13, 14, and 16), then it is also ambiguous since the wicks (13, 14, and 16) are not

shown in the drawings or described in the detailed description as surrounding a portion of each optical fiber (2, 3) which is not stripped.

Similarly, claims 14-22 are also considered ambiguous since it also cannot be accurately determined what the word “*shaft*” describes as used in these claims. For the purposes of this examination, claims 13-22 have not been examined for patentability since the scope(s) of these claims are indeterminable.

***Claim Rejections - 35 USC § 102***

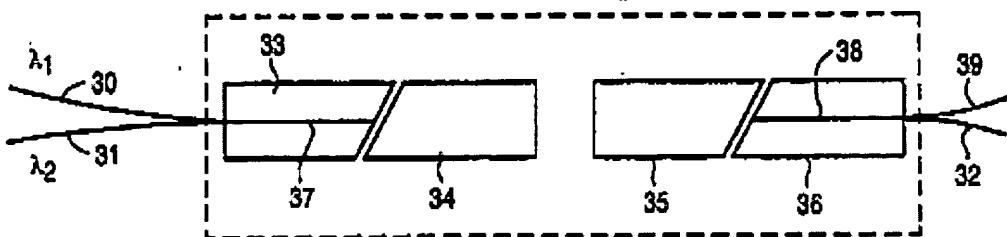
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 10-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,652,814 to Pan et al. (hereinafter “Pan”).**

Regarding claim 10, as seen in his Figure 2 (reproduced below), Pan discloses an optical coupler comprised of at least a plurality of optical fibers (30, 31), the first device (34) disposed in optical communication with a second end of each of the optical fibers (30, 31), one second device (Fig. 20, 214) disposed in optical communication with the first end of one of the optical fibers, another second device (214) disposed in optical communication with the first end of another optical fiber, with the at least plurality of optical fibers (30, 31) having each one of its second ends placed head to head with the first device (34).



**FIG. 2**

Regarding claim 11, a ferrule (33) of Pan also retains the second ends of optical fibers (30, 31).

Regarding claim 12, see the previous remarks and column 5, lines 10-13 of Pan.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Rojas whose telephone number is (571) 272-2357. The examiner can normally be reached on Monday-Friday (7:00AM-3:00PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick, can be reached on (571) 272-2344. The official facsimile number for regular and After Final communications is (703) 872-9306. The examiner's RightFAX number is (571) 273-2357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Omar Rojas  
Patent Examiner  
Art Unit 2874

or

March 7, 2005



AKM ENAYET ULLAH  
PRIMARY EXAMINER